



Hon. Doris O. Matsui

Member of Congress

Doris O. Matsui

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Military Commissions Act Threatens Nation's Fundamental Protections, Further Endangers Military Personnel

"From personal experience, I know something about what can happen to the rights of Americans when the Executive Branch overreaches in a time of war."

Washington, DC – Congresswoman Doris O. Matsui (CA-5) spoke in opposition to H.R. 6166, the Military Commissions Act, which would create military commissions to try terrorist suspects. But as written it seeks to threaten the fundamental protections our nation has fought for over 218-years to preserve. Additionally, the Geneva Convention provisions it includes, would further endanger the men and women in our Armed Forces by stating that the president has the authority to 'interpret the meaning and application of the Geneva Convention's' through executive order.

Congresswoman Matsui, having been born at the Poston Internment Camp, brings a unique perspective to the debate over the legislation, having had her rights abridged during World War II. Below is the text of her remarks [as prepared for delivery].

"I rise in opposition to this closed rule and against the underlying bill.

"This is a debate about whether we are willing to preserve the fundamental protections our nation has fought for centuries to maintain.

"As written, the underlying bill rejects these essential protections in favor of vague assurances and provisions open to interpretation. The potential erosion of our legal safeguards is a serious matter. That is why several members of our Armed Services raised these concerns when they testified to Congress several weeks ago.

"Mr. Speaker, certain rights are considered so fundamental to our nation and to our Constitution that they cannot be sacrificed. The right of every American to have his or her day in court is one such right.

"But a number of law experts, including Martin Lederman, who worked at the Department of Justice for both Clinton and current President Bush, believe that this legislation would place that right in jeopardy. As written, this legislation could be used by the president as evidence of Congressional agreement of a number of his legal assertions. That includes his assertion that holding an American citizen indefinitely without access to a lawyer is legal.

"From personal experience, I know something about what can happen to the rights of Americans when the Executive Branch overreaches in a time of war.

[Continued...]

“Restricting the legal rights of our citizens is something which, if done at all, must be done carefully and with a proper balancing of concerns. I know that Members of both chambers tried to meet that standard with the administration on this legislation. But this proposal fails to achieve that balance. For that reason alone, we should reject this bill.

“I am also disturbed because the history of this legislation fits a pattern we have seen before. One in which officials assert expanded powers while ignoring their career professionals in the process.

“A few weeks ago, Congress heard from a long line of generals and judge advocates general. Their collective testimony outlined a swift, tough approach to these tribunals that protected our troops. And it did so while preserving our moral authority in the world. This bill disregards their testimony and their expertise.

“They argued forcefully for detainees to see the evidence presented against them, with some adjustment for classified evidence. They stated that evidence obtained through torture should not be permitted. Not only because it is morally offensive, but also because it is inherently untrustworthy. They clearly reiterated their position that judicial review must be preserved. And above all, they argued strenuously that any legislation must affirm the United States’ commitment to the Geneva Conventions. They believe this because they know – better than anyone – that these safeguards protect our troops fighting on battlefields around the globe.

“Unfortunately, Congress did not listen to these experts in military law. Instead, the bill made in order under this closed rule would permit evidence obtained through torture in some cases.

“The legislation does include a list of certain grave breaches of the law. Beyond those however, it gives the president the authority to determine what is and isn’t torture as long as he publishes it in the Federal Registrar first.

“These provisions undermine our nation’s moral authority. And once given away, it will be that much harder to earn back.

“In closing, Mr. Speaker, the underlying bill is vague when it should be specific. It is casual with regards to important legal protections, when it should be vigilant. And it is a fundamentally flawed approach to prosecuting terrorists. I urge all Members to reject this rule and to vote against the underlying bill.”

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